

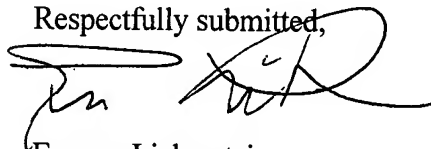
REMARKS

In response to the allegation that two inventions exist requiring restriction under 35 USC 121, applicant provisionally elects group I inclusive of claims 1-4 and new claim 10 drawn to a method for preparing a candy, classified in class 426, subclass 383. In addition, applicant provisionally elects species A wherein the edible ink composition is black.

Applicant traverses the restriction requirement with regard to the obligation to further elect a species between species A-D under 35 USC 121 based upon the allegation that no claim is generic. Applicant has amended claim 1 removing the wording "one or more of black, yellow, red and blue" rendering claim 1 generic to any color species. This is consistent with the specification in which the color species of the edible ink composition will not affect, of itself, the resolution of the picture. Claim 1 as amended is clearly generic and is readable on the elected species A as well as the non-elected species.

Applicant acknowledges that upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species written in dependent form or otherwise to include all of the limitations of the allowed generic claim as provided under 37 CFR 1.141.

Respectfully submitted,

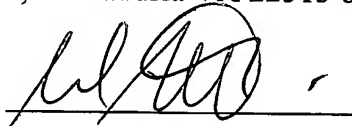


Eugene Lieberstein
Reg. No. 24,645

ANDERSON, KILL & OLICK
1251 Avenue of the Americas
New York, New York 10020-1182
(212) 278-1000

MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313 on August 29, 2003.



Date: August 29, 2003

CLAIMS

1. (Currently Amended) Method for preparing candy having a stereoscopic picture comprising:

pouring a measured amount of the first mixture, preparing by dissolving and concentrating the raw materials for candy, into a mold, while a temperature of the mixture is maintained at a temperature of about 130 to 150°C;

partially cooling the first mixture at about 30 to 45°C of its surface temperature;

printing desired pictures by using a pad printing method with ~~one or more of black, yellow, red and blue~~ edible ink compositions onto the mixture at a temperature of about 15 to 25°C and a relative humidity of 40 to 60%, and then drying the mixture;

pouring a measured amount of the second mixture prepared by dissolving and concentrating the raw materials for candy into the mold atop the first mixture, while a temperature of the second mixture is maintained at about 120 to 135°C; and

cooling the resulting mixture.

2. (Currently Amended) The method for preparing a candy of claim ~~1~~10, wherein said edible ink composition is black, yellow, red or blue in color with black ink composition comprises comprising 70 to 81% by volume of ethanol, 1 to 8% by volume of shellac, 0.1 to 3% by volume carnauba wax, 0.1 to 3% by volume yellow No. 4 aluminum lake, 0.1 to 4% by volume red No. 40 aluminum lake, and 0.1 to 4% by volume of blue No. 1 aluminum lake; said yellow ink composition comprises 70 to 88% by volume of ethanol, 1 to 10% by volume shellac, 0.1 to 5% by volume of carnauba wax, and 0.1 to 5% by volume of yellow No. 4 aluminum lake, said red ink composition comprises 70 to 85% by volume of ethanol, 1 to 10% by volume shellac, 0.1 to 5% by volume of carnauba wax, and 0.1 to 3% by volume of red No. 4 aluminum lake; and said

blue ink composition comprises 70 to 88% by volume of ethanol, 1 to 8% by volume shellac, 0.1 to 3% by volume of carnauba wax, and 0.1 to 3% by volume of blue No. 1 aluminum lake.

3. (Original) The method for preparing a candy of claim 2, wherein said edible ink compositions further comprises a drying retardant selected from the group consisting of an ethanol, propylene glycol and shellac solution.

4. (Original) The method for preparing a candy of claim 1, which further comprises inserting a stick into the first mixture by a stick injection device after concentrating said mixture.

5. (Cancelled)

6. (Original) A black edible ink composition comprising 70 to 81% by volume of ethanol, 1 to 8% by volume shellac, 0.1 to 3% by volume of carnauba wax, and 0.1 to 3% by volume of yellow No. 4 aluminum lake, 0.1 to 4% by volume of red No. 40 aluminum lake, and 0.1 to 4% by volume of blue No. 1 aluminum lake.

7. (Original) A yellow ink composition comprising 70 to 88% by volume of ethanol, 1 to 10% by volume shellac, 0.1 to 5% by volume of carnauba wax, and 0.1 to 5% by volume of yellow No. 4 aluminum lake.

8. (Original) A red composition comprising 70 to 85% by volume of ethanol, 1 to 10% by volume shellac, 0.1 to 5% by volume of carnauba wax, and 0.1 to 3% by volume of red No. 4 aluminum lake.

9. (Original) A blue composition comprising 70 to 88% by volume of ethanol, 1 to 8% by volume shellac, 0.1 to 3% by volume of carnauba wax, and 0.1 to 3% by volume of blue No. 1 aluminum lake.

10. (New) The method for preparing a candy of claim 1, wherein said edible ink composition comprises ethanol, shellac, carnauba wax and an edible ink, said edible ink being selected from the group consisting of yellow No. 4 aluminum lake, red No. 40 aluminum lake, blue No. 1 aluminum lake, and the mixtures thereof.